

After several years of reforms and improvements, conditions for the media in Myanmar grew worse overall during 2014. Two controversial media laws were passed, and others made their way through the parliament, even as a number of harsh laws dating to the era of military rule remained on the books. While the media sector continued to be vibrant, independent outlets struggled for financial sustainability, and journalists faced increased pressure in the form of criminal prosecutions, travel restrictions, and physical violence.

Legal Environment

The 2008 constitution provides for freedoms of expression and of the press, while at the same time setting out broad and ambiguous conditions under which these rights may be curtailed. Moreover, media freedoms are not respected by the courts, which lack the independence to try cases impartially.

A number of existing laws include provisions that can be used to restrict journalistic activity. For example, the 1950 Emergency Provisions Act bans content that would “affect the morality or conduct of the public or a group of people in a way that would undermine the security of the Union or the restoration of law and order.” A new Telecommunications Law enacted in 2013 allows the government to intercept any information that threatens national security or the rule of law. It also left in place the 2004 Electronics Transactions Law, which prohibits the electronic transfer of information liable to undermine national security, including communications about cultural or economic affairs, and has been used to criminalize internet activism. The criminal code, the 1923 Official Secrets Act, and other laws have also been applied in ways that restrict media freedoms.

Journalists faced an increase in arrests and criminal prosecutions during 2014. In February, authorities arrested four journalists and the chief executive of the journal *Unity Weekly* under the Official Secrets Act for a report alleging that chemical weapons were being manufactured at a facility in the Magway region. Officials seized copies of the journal across the country. All five defendants were sentenced to 10 years of imprisonment with hard labor in July, but the sentence was reduced to seven years on appeal in October.

In April, Democratic Voice of Burma (DVB) journalist Zaw Pe was sentenced to one year in prison by a court in Magwe after being found guilty of trespassing and disturbing a civil servant on duty while he was reporting on a Japanese scholarship fund in August 2012. He was released in July after his sentence was reduced to three months. Also in April, Yae Khe, a *Mizzima News* correspondent in the town of Prome, was arrested under Article 18 of the Peaceful Assembly Law for organizing an unauthorized rally to call for greater press freedom and the release of detained journalists.

In July, the *Bi Mon Te Nay* news journal was suspended in response to a report claiming that opposition leader Aung San Suu Kyi and a group of ethnic minority leaders had been appointed by the people to form an interim government. The journal’s offices were searched and computers and documents seized. In October, three journalists and two owners of *Bi Mon Te Nay* were sentenced to two years in prison under the Emergency Provisions Act for undermining state security and causing public alarm.

Two new media-related laws were ratified by the parliament and signed into law by the president in March 2014. One, known as the Media Law, was drafted by the interim Myanmar Press Council (MPC) and contains strong protections for press freedom, including the increased use of mediation to settle disputes.

However, in November the Ministry of Information used the new legislation to file suit against 11 staff members of the *Myanmar Thandawsint* (*Myanmar Herald*) for publishing critical commentary about President Thein Sein, which it said violated the law's code of conduct. Such a breach would carry a fine of 300,000 to 1 million kyat (\$300 to \$1,000). The second law enacted in 2014, the Printers and Publishers Registration Law, was drafted by the Ministry of Information. Although it removed the legal threat of imprisonment for journalists posed by its 1962 predecessor, it gave the government the right to withhold media licenses and ban reporting that is harmful to "national security, rule of law or community peace and tranquility," or that "insults religion" or violates the constitution.

Separately in March, the Public Service Media Bill was submitted to the lower house of parliament. If passed, it would ostensibly transform the state media, including state-run daily newspapers, into public-service outlets. Critics raised concerns that it would create a publicly funded media conglomerate that acts as a progovernment voice, especially in the run-up to the 2015 elections. The bill had not yet passed at year's end.

In October, a government-introduced broadcasting bill passed with little debate in the upper house of parliament. The measure would authorize the formation of a council to regulate and oversee television and radio broadcasting, with the power to fine outlets and revoke licenses from those seen to have violated the law. Opponents argued that the proposed council's composition would leave it open to political manipulation. The bill had yet to be considered in the lower house at the end of the year.

There is no freedom of information law in Burma, and access to government officials and the military is inconsistent. However, journalist organizations are active in pressing for more openness by the authorities, and their efforts are supported by foreign embassies and international media development organizations.

Political Environment

Media outlets are able to cover political news with relative freedom, addressing topics that were once considered off-limits and scrutinizing the activities of the government and legislature. However, Burmese-language state media continue to avoid topics that could lead to criticism of the government or military, and interethnic tension remains a sensitive subject, especially with respect to Buddhists and Muslims. In July 2014, President Thein Sein accused members of the local and international media of instigating communal violence in the city of Mandalay. Journalists rejected these claims and suggested that government officials needed to better distinguish between journalists and those posting on social media, where hate speech has been a serious problem.

Independent media organizations that formerly operated in exile continued to assimilate into the country's media landscape during 2014. Outlets affiliated with ethnic minority groups appeared to face fewer obstacles in their attempts to register or obtain licenses than in previous years, while minority journalists asserted themselves at press conferences and demanded official representation in the MPC.

Some measures were taken in 2014 to improve communication between the media and state officials, particularly the military. In March, army chief Min Aung Hlaing held his first-ever press conference, though representatives of independent outlets were not permitted to attend and the commander only took questions from state media. The MPC met with President Thein Sein in July and again in August to discuss growing threats to media freedoms in the country. In July the MPC met with then information minister Aung Kyi, and in early October the group held a closed-door meeting with representatives from the executive, judiciary, and legislative branches, resulting in an agreement for all government ministries to hold monthly press conferences. The MPC also asked ministries to release press statements regularly and the courts to

allow journalists to cover trials. In December, Information Minister Ye Htut said journalists from independent media outlets would soon be able join a press corps with access to the presidential palace, public events involving the president and other cabinet members, and facilities previously reserved only for state-owned media. The same month, however, independent media were not granted access to cover the visit of Norway's King Harald V to Mandalay.

Although prepublication censorship was eliminated in 2012, media outlets can be suspended and journalists punished for the content of their reporting, and many editors exercise self-censorship to avoid such repercussions. A number of incidents that amounted to censorship or attempted censorship were reported during 2014. In January, the Ministry of Information's Copyrights and Registration Department pressured the independent magazine and website *Irrawaddy* to change its name to *Ayeyarwaddy*, the official spelling of the eponymous river; official spellings imposed by the former military regime carry political connotations for many Burmese. The outlet refused to change its name, though in December it agreed to use the requested spelling in its license renewal application.

In February, the *Right Time*, a weekly newspaper, published a fabricated image of the president in a dancer's outfit, leading to months of harassment by the authorities, including police interrogations and criticism from government officials on social media. The weekly's editor and several other journalists resigned, reportedly fearing for their safety, causing the owner to close the publication in July. In a case involving pressure from nonstate actors, the Human Rights Human Dignity International Film Festival in Yangon canceled the screening of a documentary on anti-Muslim violence in June, after critics used social media to denounce the film as overly sympathetic to the plight of Muslims.

Journalists with foreign and Burmese exile media outlets faced greater obstacles to reporting in the country during 2014. Early in the year, the Ministry of Information began reducing the length of visas for visiting reporters from three months to one month, though those assigned to bureaus in the country would still have access to renewable six-month visas. In May, an Australian reporter for the DVB, Angus Watson, was deported for covering a protest rally in response to the cases against Zaw Pe and the staff of *Unity Weekly*. Authorities accused Watson of participating in the rally and thereby violating the terms of his visa.

Cases of physical violence or harassment directed against members of the press also appeared to be on the rise. In early October, journalist Aung Kyaw Naing, known as Par Gyi, was killed in army custody after he reported on clashes between ethnic Karen rebels and the Myanmar military in Mon State. The army claimed he was shot while trying to escape, but evidence including descriptions of his exhumed body indicated that he had been badly tortured. Attacks on journalists were reported during communal unrest that broke out in Mandalay in July, with angry protesters threatening several journalists and attempting to forcibly remove memory cards from their cameras. The *Irrawaddy* was targeted with a series of threats and cyberattacks in September and October over its coverage of Buddhist extremists.

Some instances of harassment involved arbitrary investigations by security forces. Beginning in June, the Ministry of Home Affairs' Special Branch police division visited several private newspapers, ostensibly to look into their financial records. In July, Special Branch officers went to the office of the *Myanmar Thandawsint* and temporarily detained three of the news journal's editors without explanation. Media representatives argued that the probes were a form of intimidation.

Economic Environment

Although private ownership in the media sector has expanded in recent years, it remains highly

concentrated, and state-affiliated outlets continue to hold a dominant position. Moreover, a number of the private dailies that opened in 2013 closed for financial reasons during 2014, including the English-language *Myanma Freedom Daily* and the Burmese-language dailies *Naing Ganthis* and *Yangon Times*. The largest print outlets are state run. High levels of poverty and illiteracy, along with poor infrastructure and distribution networks, mean that print media are accessible mainly in urban areas. Most Burmese look to broadcast outlets as their main source for news, but the sector remains under government control. Six public television stations are available, with five controlled by the Ministry of Information and one by the armed forces. The eight domestic FM radio channels are controlled by the government or its allies.

However, radio programs transmitted from abroad by Voice of America, Radio Free Asia, and DVB are accessible and remain very popular. Because of high monthly subscription fees to access satellite television, most Burmese viewers install the receivers illegally. Authorities no longer restrict the importation of foreign news periodicals.

Internet connections are slow and expensive, and in 2014 only about 2 percent of the population accessed the medium, one of the lowest rates in the world. For those with internet access, a range of e-mail, blog, and social-media platforms—including Gmail, Facebook, and YouTube—have grown in popularity.

Long dominated by the state-owned monopoly of Myanmar Posts and Telecommunications (MPT), the telecommunications sector has in recent years been undergoing major reforms to liberalize the market. International companies were allowed to enter the market for the first time in June 2013, when operating licenses were granted to Norway's Telenor and Qatar's Ooredoo. The two firms began offering mobile services in 2014, and Telenor activated the country's first independent link to the international internet. The new investment and competition was expected to drive down costs and improve service, increasing residents' access to independent news and information. Currently, the cost of mobile data remains high and Wi-Fi signals are notoriously unreliable, limiting smartphone use even for those who can afford the devices.